

## **Department of Planning and Budget 2021 Fiscal Impact Statement**

**1. Bill Number:** HB1806

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** Kilgore

**3. Committee:** Courts of Justice

**4. Title:** Suspension or modification of sentence; transfer to the Department of Corrections.

**5. Summary:** Under current law, if anyone who has been sentenced for a felony to the Department of Corrections (DOC) but has not actually been transferred to a receiving unit of the DOC, the court that heard the case may, if it appears compatible with the public interest and there are circumstances in mitigation of the offense, at any time before the person is transferred to the DOC, suspend or otherwise modify the unserved portion of such a sentence. The law allows the court to place the person on probation for such time as the court determines.

This bill provides that if a motion to suspend or otherwise modify a person's sentence is filed with the court that heard the case at any time before the person is transferred to the DOC, the court may enter an order to retain jurisdiction over the matter for up to 60 days in order to consider and rule on such motion. If the court enters such order, the transfer of the person to the DOC will not affect the jurisdiction of the court under the terms of the order. Upon entry of an order to retain jurisdiction, the clerk of the court must forward an attested copy of the order to the DOC.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Preliminary. See Item 8 below.

**8. Fiscal Implications:** According to the DOC, this bill is not expected to have a fiscal impact on agency operations. This bill is not expected to have a fiscal impact on Courts or the Compensation Board.

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections, Local and Regional Jails, Courts

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None